

WSR 21-19-016

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed September 3, 2021, 4:48 p.m.]

Subject of Possible Rule Making: Chapter 172-121 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update Eastern Washington University's (EWU) student conduct code to revise the procedures for Title IX hearings.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annika Scharosch, 211 Tawanka Hall, EWU, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

September 3, 2021
Annika Scharosch
Associate Vice President

WSR 21-19-028

PREPROPOSAL STATEMENT OF INQUIRY

GREEN RIVER COLLEGE

[Filed September 9, 2021, 2:02 p.m.]

Subject of Possible Rule Making: Repeal of chapter 132J-160 WAC, Refund of tuition and special course/program connected fees and chapter 132J-164 WAC, Buckley Family Education Rights and Privacy Act Policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The rules specified are being repealed under chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Both of these rule chapters are being repealed because they are not required to be codified regulations in the Washington Administrative Code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Godfrey Drake, 12401 S.E. 320th Street, Auburn, WA 98092, phone 253-833-3397, email gdrake@greenriver.edu.

September 9, 2021
George P. Frasier
Vice President of
College Advancement

**WSR 21-19-054
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 13, 2021, 4:34 p.m.]

The department of licensing, and the training and program support unit, requests the withdrawal of the Preproposal statement of inquiry for chapter 308-61 WAC, filed as WSR 21-08-078 on April 6, 2021.

Ellis Starrett
Rules Coordinator

WSR 21-19-072
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed September 15, 2021, 9:33 a.m.]

Subject of Possible Rule Making: WAC 363-116-301 New revenue collection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of pilotage commissioners (BPC) is complying with the legislative intent through the passage of SB [SSB] 5165, which stipulates certain conditions in order for the BPC to receive state appropriation from the pilotage account solely for self-insurance liability premium expenditures. This revised rule defines these two stipulations.

Process for Developing New Rule: Regular public notice process followed by a public hearing for board adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, Executive Director, 2901 3rd Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, email BeverJ@wsdot.wa.gov, website www.pilotage.wa.gov.

September 15, 2021
Jaimie C. Bever
Executive Director

WSR 21-19-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 15, 2021, 10:01 a.m.]

Subject of Possible Rule Making: Subject of possible rule making: Chapter 16-306 WAC, Hemp program, as a result of recently passed (ESB 5372, chapter 104, Laws of 2021) the department is considering amending this rule to create a process and fee for hemp processors to register their businesses/facilities with the Washington state department of agriculture (WSDA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.140.030, 15.140.060; and chapter 104, Laws of 2021 (ESB 5372).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment will create a process for hemp processors to register their businesses with the WSDA. This will create security for hemp processors that are transporting or exporting hemp by providing them with a registration certificate. In addition, this amendment will create a publicly-available list of registered hemp processors. Hemp producers may access this list of registrants to identify processors they can send their harvested crop to. This list will also provide law enforcement the names and addresses of registered hemp processors in hopes of reducing confusion by businesses that are processing hemp without a WSDA hemp producer license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state liquor and cannabis board and the Washington state department of health. WSDA will provide notice to these agencies of our rule-making process via email.

Process for Developing New Rule: WSDA will discuss any proposed amendments with affected stakeholders and individual businesses that may be affected. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule during the public comment period, and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trecia Ehrlich, Hemp Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-584-3711, fax 360-902-2085, TTY 800-833-6388, email tehrlich@agr.wa.gov, website www.agr.wa.gov; or Reanna McNamara, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1931, fax 360-902-2085, TTY 800-833-6388, email rmcnamara@agr.wa.gov, website www.agr.wa.gov.

September 15, 2021
Jessica Allenton
Assistant Director

WSR 21-19-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 15, 2021, 12:01 p.m.]

Subject of Possible Rule Making: WAC 458-61A-214 Nominee.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 82.01.060(2) and 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 458-61A-214, which describes the application of the real estate excise tax in transfers involving a nominee. The proposed amendments are intended to resolve existing conflict within the rule, specifically by replacing the example in WAC 458-61A-214 (5)(b) with a new one. Presently, the example in subsection (5)(b) of the rule is in conflict with the exemption requirements described in subsection (3) of the rule. The department is also proposing several other amendments to the rule in order to improve the rule's clarity and usefulness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making process or by giving oral testimony at the public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email BrentonM@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Brenton Madison using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on October 19, 2021, 10:00 a.m., telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

September 15, 2021
Atif Aziz
Rules Coordinator

WSR 21-19-094

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed September 17, 2021, 8:36 a.m.]

Subject of Possible Rule Making: Chapter 308-14 WAC, Court reporters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.145; and 43.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amends language regarding exams to expand options for court reporters and recognized persons who administer the exam, as well as updates rules to complement new system efficiencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the program listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Court Reporter Program, P.O. Box 9026, Olympia, WA 98507, phone 360-664-6633, fax 360-664-2550, TTY 711, email CRP@dol.wa.gov, website dol.wa.gov.

September 17, 2021
Ellis Starrett
Rules and Policy Manager

WSR 21-19-104

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed September 17, 2021, 7:36 p.m.]

Subject of Possible Rule Making: WAC 246-840-365, 246-840-367, 246-840-533, and 246-840-930. The nursing care quality assurance commission (commission) will consider amendments to specific credential and license requirements for nurse technicians (NT), licensed practical nurses (LPN), registered nurses (RN), and advanced registered nurse practitioners (ARNP) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for health care professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010, 18.79.110, and 18.79.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission first adopted emergency rules in response to COVID-19 on April 24, 2020, under WSR 20-10-014. The commission has continued to file emergency rules, the most recent filing occurred on September 17, 2021, under WSR 21-19-092. The emergency rules have been necessary for the preservation of public health, safety, and general welfare, including increasing and maintaining the availability of health care professionals to help treat and prevent the spread of COVID-19.

The commission met on May 14, 2021, and decided emergency language not covered by other permanent rules should revert to the original language or be addressed in this separate rule making. Changes in WAC 246-840-365 and 246-840-367 may be needed to remove barriers to license renewal for ARNPs returning to active practice from inactive or expired status. Changes to WAC 246-840-533 may be needed to remove barriers for NTs to become credentialed. A change to WAC 246-840-930 may be necessary to clarify training requirements. The commission is considering rule making to make permanent changes to current rules identified as a barrier to the provision of services both in emergency response and during regular operations. While permanent rule making is ongoing, the commission will continue to renew emergency rules applicable to NTs, LPNs, RNs, and ARNPs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services, the commission intends to collaborate to consider clarification in scope of practice for the nursing rules.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, fax 360-236-4738, TTY 711, email Shad.Bell@doh.wa.gov, website <https://www.doh.wa.gov/licensespermitsandcertificates/nursingcommission>.

Additional comments: The commission will notify interested parties of rule making by posting information on the department of health website, the commission website and by use of GovDelivery. Interested parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The commission will hold virtual meetings at varying times to encourage participation.

September 17, 2021
Paula R. Meyer, MSN, RN, FRE
Executive Director
Nursing Care Quality Assurance Commission

WSR 21-19-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 20, 2021, 2:35 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0025 How do I receive my benefits? and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090; and 7 C.F.R. 274.2.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend rules regarding replacement of cancelled electronic benefit transfer benefits to align with federal rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Budde, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0068, fax 360-725-4904, email Patrick.Budde@dshs.wa.gov.

September 20, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-19-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 20, 2021, 3:02 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-464-0001 Am I required to cooperate with quality assurance?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments planned under this filing will more accurately align rule language with federal regulations related to quality control for the Supplemental Nutrition Assistance Program (SNAP).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces SNAP provisions as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules to align with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Troy Burgess, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-584-5162, fax 360-725-4904, email troy.burgess@dshs.wa.gov.

September 20, 2021
Katherine I. Vasquez
Rules Coordinator

**WSR 21-19-126
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 21, 2021, 8:17 a.m.]

The department of labor and industries (L&I) is withdrawing the CR-101 Preproposal statement of inquiry regarding the pension discount rate, chapter 296-14 WAC, Pension tables, pension discount rate and mortality tables, WAC 296-14-8810, filed on August 17, 2021, and published under WSR 21-17-116.

We will be filing a new CR-101 to include additional changes to the pension discount rate.

If you have any questions, please contact Tracy West, rules coordinator, at 360-902-6954.

Tracy West
Rules Coordinator

WSR 21-19-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 21, 2021, 8:19 a.m.]

Subject of Possible Rule Making: WAC 296-14-8810 Pension tables, pension discount rate and mortality tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pension discount rate (PDR) is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower the PDR to better align with the rate of return for long term treasuries for self-insured and state fund pensions.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email suzanne.campbell@Lni.wa.gov.

September 21, 2021
Joel Sacks
Director

WSR 21-19-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed September 22, 2021, 9:20 a.m.]

Subject of Possible Rule Making: Possible updates to chapter 194-24 WAC to adopt by reference a more recent version of any standard or test method established in that chapter or chapter 19.260 RCW. Potential updates include, but are not limited to, the California rule adopted by reference for computers and monitors and version B of the water heater communication standard ANSI/CTA-2045.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.260.040(1), 19.260.070(7), 19.260.080(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Maintaining consistency with current versions of standards that are adopted by reference promotes consistency across jurisdictions, reduces the likelihood of conflicting requirements on manufacturers, and ensures that consumers are protected from outdated product versions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Energy. In some instances, federal appliance standards preempt state standards.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, phone 360-515-8194, email appliances@commerce.wa.gov, website commerce.wa.gov/appliances.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

September 22, 2021
Amber Siefer
Rules Coordinator

WSR 21-19-145
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 22, 2021, 10:07 a.m.]

Subject of Possible Rule Making: Add sections to chapter 392-117 WAC concerning Apportionment—Health and safety, and vaccination requirements. The purpose of this rule making is to establish the terms and conditions governing local education agencies' entitlement to receive state basic education apportionment allocations during the 2021-22 school year when local education agencies willfully fail to meet the requirements of Proclamation 20-09, et seq. or Proclamation 21-14, et seq.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.300.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 25, 2021, the office of superintendent of public instruction (OSPI) filed emergency rules (WSR 21-18-052) on this subject that, based on ongoing conditions related to the COVID-19 pandemic, will be necessary beyond the initial 120-day period provided to emergency rules. The basis for these rules continue: Board actions that violate the law will jeopardize the opening of school, risk cases and outbreaks in school that will warrant quarantines, school building closures, and disruptions in high-quality in-person learning. Given the unprecedented situation caused by the COVID-19 virus and its effect on students and schools in Washington state, rule making is necessary to address local education agencies that willfully do not comply with health and safety requirements contained within Proclamation 20-09, et seq., or vaccination requirements contained within Proclamation 21-14, et seq.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katherine Mahoney, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-764-0780, TTY 360-664-3631, email katherine.mahoney@k12.wa.us, website k12.wa.us; or Matt Schultz, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-764-6025, TTY 360-664-3631, email matt.schultz@k12.wa.us, website k12.wa.us.

September 22, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 21-19-151
PREPROPOSAL STATEMENT OF INQUIRY
COUNTY ROAD
ADMINISTRATION BOARD

[Filed September 22, 2021, 10:44 a.m.]

Subject of Possible Rule Making: Creating chapter 136-600 WAC, Equipment rental and revolving fund.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 36.78 and 36.33A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify duties, responsibilities, and submittal requirements and due date regarding the administration of an equipment rental and revolving fund.

Process for Developing New Rule: Agency study; and comments received will be presented to the county road administration board at their October 28, 2021, quarterly meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Drew Woods, P.E., 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, phone 360-753-5989, email drew.woods@crab.wa.gov, website www.crab.wa.gov.

September 20, 2021
Jane Wall
Executive Director

WSR 21-19-152
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 22, 2021, 10:58 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0015 General information about your food assistance allotments, 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my utility costs when calculating my basic food or WASHCAP benefits?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, and 388-478-0060 What are the income limits and maximum benefit amounts for basic food?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Income limits, minimum and maximum benefit amounts, deductions, and resource limits are updated annually by the United States Department of Agriculture, Food and Nutrition Services, effective October 1, 2021.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Food and Nutrition Services.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0676, email Carolyn.Horlor@dshs.wa.gov.

September 22, 2021
Katherine I. Vasquez
Rules Coordinator